

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

HARRY E. GAYNOR,

Plaintiff,

v.

CIVIL ACTION NO. 2:07-0674

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Before Magistrate Judge Stanley could submit her Findings and Recommendation to the court, defendant filed an uncontested motion to remand this case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings as outlined in defendant's unopposed motion to remand.

Given that defendant's motion to remand is uncontested, the court hereby **VACATES** the referral to Magistrate Judge Stanley and orders as follows:


1. Defendant's Motion to Remand is **GRANTED**;
2. The final decision of the Commissioner is **REVERSED**  
or **VACATED**;

3. The case is **REMANDED** to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings as outlined in the motion to remand; and
4. This Clerk is directed to remove this case from the court's active docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record.

**IT IS SO ORDERED** this 3rd of August, 2012.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge